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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

In the Matters of)
)
 Implementation of Section 25)
 of the Cable Television)
 Consumer Protection Act of 1992)

MM Docket No. 93-25

To: The Commission MAIL STOP 1170

COMMENTS OF THE NATIONAL CAPTIONING INSTITUTE, INC.

1. The National Captioning Institute, Inc. ("NCI") hereby submits its comments in response to the Commission's Notice of Proposed Rulemaking in CC Docket No. 93-25, released March 8, 1993, to implement Section 25 of the Cable Television Consumer Protection Act of 1992 ("Cable Act"). NCI is submitting these comments out of concern that the Commission's inquiry on specific DBS issues does not address deaf and hard of hearing people's continued access to line 21 captions.

2. NCI is a nonprofit corporation created by Congress in 1979 and is the leading organization providing captioning services to the television industry. NCI's services primarily involve the creation of captions. Captions are "hidden subtitles", or visual depictions of a television program's dialogue, that appear only on the screens of specially equipped television receivers. Presently, viewers who do not have these specially-equipped television receivers cannot access the

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captions. ^{1/} The captions are transmitted as data on Line 21 of the vertical blanking interval ("VBI") of the television signal, pursuant to Section 73.682(a)(22) of the Commission's Rules.

3. NCI has spearheaded the development of captioning encoding and decoding equipment and from 1980 to earlier this year, was the sole manufacturer of decoders (Telecaption™) for the consumer market. NCI has also developed integrated circuit technology to be built into new television receivers. NCI has also worked with television equipment manufacturers, television signal distributors, and television signal creators to prevent or resolve problems that have arisen in the past between new television signal delivery technologies and the carriage of a television program's line 21 captions.

Access to Captions Will Soon Be Universal.

4. As the Commission is aware, beginning July 1, 1993, every television receiver manufactured for sale in the United States with a 13-inch or larger screen will, by federal statutory requirement,^{2/} have the ability to decode line 21 captions.

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most common of all consumer features on new receivers, even more common than remote controls and access to line 21 captions will be universally available to every American. ^{3/} More particularly, this feature not only will be virtually universal but is also of the utmost importance to the deaf and hard-of-hearing population. It is not a frill or a luxury but rather a necessity to these viewers. ^{4/} Therefore, it merits the Commission's closest attention in this proceeding and inclusion within its DBS rules and policies.

**The Commission's Treatment of Line 21 Captioning
Should Extend to DBS Transmissions.**

5. In a recently concluded proceeding, the Commission noted the transmission and preservation of line 21 captions served an important public interest ^{5/} and was consistent with the Congressional intent underlying the passage of the Television

^{3/} Between 15-20 million television sets will be sold each year and will contain the line 21 decoding circuitry.

^{4/} While not everyone is deaf or hard-of-hearing, the captioning decoding feature will still be present in every new television receiver with 13 inch or larger screens. The feature will be useful to other people, such as those learning English. There is no telling how captioning services may develop once decoding circuitry becomes universal.

^{5/} See the Commission's Report and Order released March 4, 1992 for MM Docket Nos. 91-169 & 85-38 at p. 24, para. no. 64.

Decoder Circuitry Act of 1990 ("Decoder Act") ^{6/} The Commission adopted requirements in that proceeding to require cable television system operators to deliver line 21 captions to viewers, intact, and in a form that can be decoded by line 21 decoding circuitry that meet the standards in Section 15.119 of the Commission's rules.

6. Given the intent of Congress that captioning be available via new technologies, and given the overall public interest in maintaining access to line 21 captions, the Commission should extend its recent action on transmission and preservation of line 21 captions to DBS program transmissions. A model for rules the Commission could adopt in this proceeding exists in the cable television technical and operational requirements contained in Section 76.606(a) of the Commission's rules. NCI urges the Commission to adopt similar rules for DBS.

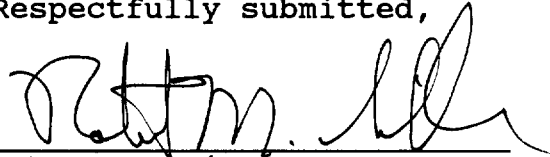
^{6/} Id.; see, also, House Report No. 101-767 at p. 3 wherein it is stated that:

"The Bill mandates that the ... FCC ... take appropriate action to ensure that closed captioning services continue to be available to consumers as new video technologies ... are developed."

Conclusion

7. The Commission's efforts to implement new television program delivery services, including DBS, is consistent with the public interest, but the Commission must ensure that deaf and hard-of-hearing television viewers continue to be regarded as integral portions of this nation's television viewing audience and thus continue to have access to television programs' line 21 captions in each television program delivery environment.

Respectfully submitted,



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